

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

ERNEST PIPPIN,)
)
Petitioner,)
)
v.) Civil Action No. 3:07cv613-MHT
) (WO)
UNITED STATES OF AMERICA,)
)
Respondent.)

RECOMMENDATION OF THE MAGISTRATE JUDGE

At a hearing held on July 10, 2009, petitioner Ernest Pippin (“Pippin”), through counsel, made an oral motion to withdraw his motion for relief pursuant to 28 U.S.C. § 2255. At this hearing, after being questioned on the matter by the court, Pippin acknowledged on the record that it was his desire to withdraw his § 2255 motion.

CONCLUSION

Accordingly, it is the RECOMMENDATION of the Magistrate Judge that:

1. Pippin’s motion to withdraw his motion for relief pursuant to 28 U.S.C. § 2255 motion be GRANTED; and
2. This action be DISMISSED without prejudice.

It is further

ORDERED that the parties shall file any objections to this Recommendation on or before July 23, 2009. A party must specifically identify the findings in the Recommendation to which objection is made; frivolous, conclusive, or general objections will not be

considered. Failure to file written objections to the Magistrate Judge's proposed findings and recommendations shall bar a party from a de novo determination by the District Court of issues covered in the Recommendation and shall bar the party from attacking on appeal factual findings accepted or adopted by the District Court except upon grounds of plain error or manifest injustice. *Nettles v. Wainwright*, 677 F.2d 404 (5th Cir. 1982). *See Stein v. Reynolds Securities, Inc.*, 667 F.2d 33 (11th Cir. 1982). *See also Bonner v. City of Prichard*, 661 F.2d 1206 (11th Cir. 1981) (en banc).

Done, this 10th day of July, 2009.

/s/ Susan Russ Walker
SUSAN RUSS WALKER
CHIEF UNITED STATES MAGISTRATE JUDGE